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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,475	07/02/2003	Charles Peter deCler	1945.185US01	3132
23552	7590	09/10/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			DUNWOODY, AARON M	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/612,475

Applicant(s)

DECLER ET AL.

Examiner

Aaron M Dunwoody

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 11-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                                |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/22/2003</u> . | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

***Election/Restrictions***

Claims 11-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 8/12/2004.

***Information Disclosure Statement***

The information disclosure statement (IDS) filed 9/22/2003 is being considered by the examiner.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US patent 4963201, Carstens.

In regards to claim 1, Carstens discloses a coupler device for fluid transport, comprising:

a body (32) including an outer surface being a circumferential outer sidewall, the outer sidewall having a first end and a second end with an opening extending through the first and second ends, the body defining a slot disposed proximate one of the first

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end or second end, the slot extending in a direction transverse to the opening and through the outer sidewall;

a latch assembly (92, 90) including at least one outer member being disposed on the body externally exposed of the outer surface and connected with an inner member being disposed through the slot, the outer member protruding from the outer surface and reciprocates with respect to the outer sidewall, the inner member reciprocates within the slot and having an aperture corresponding with the opening, whereby the body being releasably connectable with a piece of fluid transport equipment through the inner member; and

an overmold portion (14) formed about the outer sidewall of the body, the overmold portion including a shroud portion partially covering the outer member of the latch assembly, the shroud portion being a protruded structure extending outward from the outer sidewall.

In regards claim 2, Carstens discloses the body including a connection means disposed at one of the first or second ends opposite the slot, whereby the connection means being connectable to a fluid transport system.

In regards claim 3, Carstens discloses the connection means being a groove residing between the outer sidewall and the opening, the groove being a socket fitting.

In regards claim 4, Carstens discloses a part of the outer surface of the body having a recessed face disposed about the slot and extending in a direction along the outer surface toward the first and second ends.

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In regards claim 5, Carstens discloses the recessed face being substantially planar, the recessed face being engageable with a portion of the outer member, the portion reciprocates with respect to the recessed face and over the slot.

In regards claim 6, Carstens discloses the opening of the body substantially being radially symmetrical.

In regards claim 7, Carstens discloses the body is constructed of a molded material, the molded material being more rigid than the overmold portion.

In regards claim 8, Carstens discloses the outer member of the latch assembly including an actuating member, a biasing member and a retaining member, the actuating member and the retaining member being connected at oppositely disposed ends of the inner member and outside the slot, and the biasing member being between the actuating member and the inner member, the biasing member being disposed on the outer surface over the slot and enabling the actuating member and retaining member to reciprocate with respect to the outer surface.

In regards claim 9, Carstens discloses the shroud portion of the overmold portion being a wall adjacent and around the outer member of the latch assembly, the wall extending in a direction transverse to the outer surface.

In regards claim 10, Carstens discloses the wall protrudes a distance being at least the same as a distance the outer member protrudes from the outer surface.

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***Conclusion***

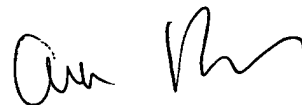
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it illustrates the inventive concept of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is 703-306-3436. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 703-306-5771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

.amd



**Aaron Dunwoody  
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